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PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANTS: LUK et al. EXAMINER: NGUYEN, Tuan T.
SERIAL NO: 10/735,061 ART UNIT: 2824
FILED: Dec. 11, 2003 DKT: YOR920030136US1 (8728-621)
ON: GATED DIODE MEMORY CELLS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is responsive to the Office Action mailed on October 6, 2005, which includes a Restriction requirement. The Examiner is requested to enter and consider the following remarks.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage paid in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date: 11/7/05

By: Patricia A. Gonta
Patricia A. Gonta

In response to the Office Action dated October 6, 2005, Applicants provisionally elect the claims of Group I (Claim nos. 1-34 and 47-51), drawn to a gated diode memory cell, with traverse. The Examiner has formed three Groups of claims in the Restriction. The claims of Group II (Claim nos. 34-46) are also drawn to a gated diode memory cell, while the Claims of Group III (Claim nos. 52-53) are drawn to a related method.

Claim 1 of Group I recites: A gated diode memory cell comprising: at least one transistor; and a gated diode in signal communication with the at least one transistor. Claim 34 of Group II recites: A gated diode memory cell comprising: at least one switching means; and directional means in signal communication with the at least one switching means.

Applicants respectfully submit that the claims of Group II are so related and similar in scope to the claims of Group I, that at least Groups I and II should be combined for examination. For example, the Examiner has placed Claim 34 in both Group I and in Group II. In addition, the Examiner has admitted that "**the search required for Groups I, II is not required for Group III**" (Office Action at page 3, lines 1-2, **emphasis added**). Thus, there would be no undue burden on the Examiner for simultaneously examining at least the claims of Groups I and II. Under such circumstances, the Examiner is encouraged to maintain at least these Groups of claims in the same application. See MPEP § 803.

Therefore, Applicants earnestly solicit an early and favorable consideration of this application on the merits, including the claims of at least Groups I and II.

Respectfully submitted,

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